

D.B. CIVIL SPECIAL APPEAL (W) NO.628/2007
(State of Rajasthan & Anr. V/s Punki)

23.10.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. L.R. Upadhyaya, Deputy Govt. Advocate.
Mr. B.R. Bera, Caveator for the respondent.

Having heard learned counsel for the appellant, we are of the opinion that the order for interim relief passed by the learned single primarily affects the elected members of Panchayati Raj Institution who were to consider no confidence motion moved by few of the members.

But by the interim relief granted by the learned single Judge staying Annexure-4 State Government cannot be considered to be an aggrieved party at all.

Hence, the appeal at the instance of State is dismissed.

However, it is clarified that if no confidence motion has already been carried out in pursuance of the impugned motion before filing of the writ petition, the same shall remain unaffected by the interim order but the same shall be subject to the decision of the writ petition.

The appeal is accordingly dismissed.

rm (BHANWAROO KHAN), J.

(RAJESH BALIA), J.